IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 3078 (S/S) of 2001

Dhoom Singh Pawar,
Son of Sri Gabar Singh Pawar,
Resident of Naya Gaon
(PO-Naya Gaon),
District-Dehradun. **…….Petitioner.**

V e r s u s

1. Committee of Management, Janta Inter College, Naya Gaon, Malhan, District-Dehradun.
2. Dy. Inspector of School, District- Dehradun.

…….Respondents

Hon'ble P.C. Verma, J

Heard Sri K.S. Verma, learned counsel for the petitioner and learned standing counsel, who has accepted notices on behalf of respondent.

By means of this writ, the petitioner has prayed to issue a writ in the nature of certiorari quashing the order dated 22.05.2001 passed by respondent no. 2.

Brief facts of the case are that petitioner appointed as Clerk on 10.04.1985 in Janta Inter College, Naya Gaon, Malhan, District – Dehradun (hereinafter referred to as "College") and one Sri Divakar Prasad Thapliyal was working as Assistant Teacher (CT Grade) in the College. Sri Divakar Prasad Thapliyal went on leave without pay in the year 1996. To compensate the work of Sri Divakar

Prasad Thapliyal, petitioner was appointed as Assistant Teacher in place of Divakar Prasad Thapliyal. The appointment of the petitioner was approved by the respondent no. 2 with a condition that he was appointed on leave arrangement basis and his appointment would take effect till the joining of Sri Divakar Prasad Thapliyal. On 22.03.2001, Sri Divakar Prasad Thapliyal has submitted his resignation and from the date of acceptation of resignation.

Learned counsel for the petitioner has submitted that the appointment of the petitioner on *ad hoc* arrangement was subsequently, approved by the District Inspector of Schools, District- Dehradun vide his order dated 23.04.1996 and he was being paid salary by impugned order dated 22.05.2001. The petitioner has been repatriated to the post of Clerk on the ground that the stopgap arrangement made for permitting the petitioner to the post of CT Grade Teacher was on account of leave of Sri Diwakar Parasad Thapliyal. On the resignation of Sri Diwakar Prasad Thapliyal on 22.03.2001, the said arrangement came to an end automatically. The petitioner was appointed on *ad hoc* basis in stopgap arrangement, which was duly approved by the District Inspector of School, District- Dehradun on the resignation of Sri Diwakar Thapliyal. Therefore, the petitioner was entitled to be regularized. Without considering the petitioner for regularization, the repatriation order ought not to have been passed. Therefore, to say that the appointment of the petitioner

came to end on account of resignation of Sri Divakar Prasad Thapliyal is not tenable.

Therefore, the writ petition is allowed. The order of repatriation is hereby quashed. The petitioner shall be allowed to continue.

In case, the petitioner is not found eligible and suitable for being regularized, his consideration for regularization shall be allowed to continue till the regularly selected candidate is not available.

The petition is allowed accordingly.

(P.C. Verma, J)

July 18, 2005
S. K. Sharma